

8-10D. Emergency TROs (1200 TN 350 8-10D)

1. **AUTHORITY.** Pursuant to the Solid Waste Disposal Act, including Sections 3008, 3013 and 7003, to refer requests for emergency Temporary Restraining Orders under the SWDA to the Department of Justice and to the appropriate United States Attorney.
2. **TO WHOM DELEGATED.** Deputy Regional Administrator.
3. **LIMITATIONS.**
 - a. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the referral before exercising this authority. The regional counsel may waive concurrence in writing.
 - b. The delegatee must notify the AA for OECA before exercising this authority. The AA for OECA may waive the requirement for notification in writing.
 - c. The AA for OECA must notify the appropriate RA before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the associate director level, and no further. The authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **REFERENCES.**
 - a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. For referral of other civil actions under SWDA, see the Chapter 8 delegation entitled "Civil Judicial Enforcement Actions."

Date: 1/27/2017

Cecil Rodrigues
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Acting Regional Administrator